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In re Application of :  
ARBIT et al. :  
Application No. 10/500,822 :  
PCT No.: PCT/US03/00337 : DECISION ON PETITION  
Int. Filing Date: 07 January 2003 :  
Priority Date: 07 January 2002 : UNDER 37 CFR 1.181  
Attorney Docket No.: 817.1009US :  
For: ORAL INSULIN THERAPY :

This decision is in response to applicants' "Response to Decision on Petition" filed 14 March 2005, which is being treated as a Renewed Petition under 37 CFR 1.181.

**BACKGROUND**

On 07 January 2003, applicants filed the above identified international application which claimed priority date of 07 January 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 July 2004.

On 07 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international; and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 08 September 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting clarification of the fourth inventor's name.

On 18 October 2004, applicants filed "Response to Notification of Missing Requirements and Request to Correct Inventor's Name." In a Decision on Petition dated 20 December 2004, applicants petition under 37 CFR 1.181 was dismissed without prejudice.

On 14 March 2005, applicant filed the present "Response to Decision on Petition" which is being treated as a Renewed Petition under 37 CFR 1.181.

### DISCUSSION

A. Sequence Listing

As stated in the previous Decision on Petition, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 08 September 2004 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1.821-1.825. Applicants state, "the referenced application does not include a nucleotide and/or amino acid sequence disclosure." Applicants' assertion is correct that there is no need to file a sequence listing for the present application. As such, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 08 September 2004 is vacated in part.

B. Declaration

The declaration submitted on 14 March 2005 is in compliance with 37 CFR 1.497(a)-(b).

C. Name Change

Applicants stated in the previous response that the correct name of the fourth inventor's name is T. Cooper Woods as indicated on the declaration rather than Cooper T. Woods as indicated on the published international application. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the fourth inventor's name is accepted and noted for the record.

### CONCLUSION

The petition under 37 CFR 1.181 is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 07 January 2003 and a date of **14 March 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).



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